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EXAMINER
CHANKONG, DOHM

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NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _19 June 2009_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-7,11,21-25,29 and 30_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-7, 11, 21-25, 29, and 30_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This action is in response to Applicant's amendment which was filed on 6/19/2009.

Claims 1, 4, 6, 7, 11, 21, 23, 25, 29, and 30 are amended. Claim 9 is currently cancelled. Claims

8-10, 12-20, and 26-28 were previously cancelled. Accordingly, claims 1-7, 11, 21-25, 29, and

30 are presented for further examination. This action is a final rejection.

Response to Arguments

Applicant's arguments with respect to claims 1-7, 11, 21-25, 29, and 30 have been

considered but are moot in view of the new ground(s) of rejection which is necessitated by

Applicant's amendment.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine
grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or
improper timewise extension of the "right to exclude" granted by a patent and to prevent possible
harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection
is appropriate where the conflicting claims are not identical, but at least one examined
application claim is not patentably distinct from the reference claim(s) because the examined
application claim is either anticipated by, or would have been obvious over, the reference
claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re
Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225
USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re
Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163
USPQ 644 (CCPA 1969).
    A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may
be used to overcome an actual or provisional rejection based on a nonstatutory double patenting
ground provided the conflicting application or patent either is shown to be commonly owned
with this application, or claims an invention made as a result of activities undertaken within the
scope of a joint research agreement.
    Effective January 1, 1994, a registered attorney or agent of record may sign a terminal
disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR
3.73(b).

Claims 1, 11, 21, 25, 29, and 30 are rejected on the ground of nonstatutory obviousness-

type double patenting as being unpatentable over claims 1-16 of U.S. Patent No. 7293081 in

view of *White* et al, U.S. Patent No. 6952726. Claim 1 of the instant application and claim 1 of

'081 patent are compared below:

App No. 10/665536	Patent No. 7293081

Claim 1: A method of monitoring a plurality of image printing devices communicatively coupled to a network, comprising:
        periodically obtaining, by a first non-print-server monitoring computer using a first Internet protocol over the network, first device information of an image printing device, the first device information including (1) status information obtained from the imaging printing device, and (2) identification of the image printing device;
	Claim 1: A method of monitoring an image handling device communicatively coupled to the Internet, comprising :
	        obtaining, by a first monitoring computer over the Internet, device information of the image handling device, the device information including (1) status information obtained from sensors of the image handling device, and (2) a device identification of the image handling device;

storing, by the first monitoring computer, the obtained first device information into an information storage;	storing, by the first monitoring computer, the obtained device information;
processing stored information *of the plurality of image printing devices* monitored by the first monitoring device to generate second device information *that includes status information of each of the plurality of image printing devices*; and	processing the stored device information by the first monitoring computer to generate a period usage report for the image handling device, wherein the period usage report is based on the status information obtained over a predetermined period of time;
transmitting the second device information using a second Internet protocol from the first monitoring computer to a second computer that is connected to the network of the plurality of image printing devices;	transmitting the usage report over the Internet from the first monitoring computer to a second monitoring computer; and receiving the usage report by the second monitoring computer,
wherein the first monitoring computer is remote from the plurality of image printing devices, and the first monitoring computer is the first computer to obtain the first device information from the plurality of image printing devices.	wherein the first monitoring computer is remote from the image handling device, and the first monitoring computer is the first computer to obtain the device information from the image handling device.

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As indicated by the italicized portion above, the primary difference between claim 1 of

the '081 patent and claim 1 of the instant application are the processing of stored information

from a plurality of image printing devices and the subsequent transmission of usage information

that includes the status information of each of the plurality of image printing devices. However,

this difference does not result in claim 1 of the instant application being patentably

distinguishable from claim 1 of the '081 patent because *White* teaches that such feature was

obvious in the art at the time of Applicant's invention.

Specifically, *White* discloses a collection server that collecting usage information from a

plurality of printers [column 2 «lines 63-67» | column 7 «lines 22-30»]. *White* further discloses

collating this collected information to generate device information that includes status

information from the plurality of printers [column 1 «lines 56-60»: describing the problem of the

prior art as having to manually collate and merge an overview of printer use in a department or

corporation | column 8 «lines 40-52»: the resource collector within the collection server collects

and collates printer usage information].

It would have been obvious to one of ordinary skill in the art to have modified claim 1 of

the '081 patent to include the multiple printer usage collection taught by *White*. Such a

modification would have been improvement because it would allow the automatic collection and

merging of printer status/usage information [*White*, column 1 «lines 56-60»].

Independent claims 11, 21, 25, 29, and 30 are rejected for similar reasons.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

Claims 1 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply

with the written description requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to reasonably convey to one skilled in the relevant

art that the inventor(s), at the time the application was filed, had possession of the claimed

invention.

Specifically, the independent claims have been amended to recite a "non-print-server

monitoring computer." Applicant is reminded that any negative limitation or exclusionary

proviso (here, a monitoring computer that is not a print sever) must have basis in the original

disclosure. *MPEP § 2173.05(i)*. The mere absence of a positive recitation is not basis for an

exclusion. *Id*.

Here, there is no disclosure in Applicant's specification stating that the monitoring

computer *cannot* be a print server. Moreover, the mere absence that the monitoring computer is

a print server is not a basis for excluding interpreting the monitoring computer as a printer

server. If Applicant disagrees with this rejection, Applicant should cite the section in the

specification that provides proper basis for the exclusionary proviso.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

I.   CLAIMS 1, 3, 4, 6, 7, 11-22, 24, 25, 29 AND 30 ARE REJECTED UNDER 35 U.S.C §103(A) AS
         BEING UNPATENTABLE OVER *FAN* ET AL, U.S PATENT NO. 6.310.692 [*"FAN"*], IN VIEW
         OF *WHITE* ET AL, U.S. PATENT NO. 6.952.726 [*"WHITE"*].

In the following claim mapping, all citations are to *Fan* unless otherwise noted.

Claims 1 and 11

As to claim 1, *Fan* as modified by *White* discloses a method of monitoring a plurality of

image printing devices communicatively coupled to a network [column 3 «line 67»], comprising:

periodically obtaining, by a first non-print-server[1] monitoring computer using a first

Internet protocol over the network, first device information of an image printing device, the first

device information including (1) status information obtained from the imaging printing device,

and (2) identification of the image printing device [Figure 3 «items 250, 248» where : *Fan's*

server reads on claimed first monitoring computer and *Fan's* printer reads on claimed first device

| column 4 «line 63» to column 5 «line 14». *Fan* does not expressly disclose that the printer has

sensors but this function is implied by the fact that the printer provides resource information to

the first computer. *Fan* also does not expressly disclose that the device ID is included in the

device information but this feature is implied by the fact that the notification must inform the

administrator of the printer whose status he is receiving];

storing, by the first monitoring computer, the obtained first device information into an

information storage [column 5 «lines 15-18»];

processing stored information of the plurality of image printing devices monitored by the

first monitoring device to generate second device information that includes status information of

each of the plurality of image printing devices [*White*, column 2 «lines 63-67» | column 7 «lines

22-30» | column 8 «lines 40-60»: the resource collector within the collection server collects and

collates printer usage information]; and

transmitting the second device information using a second Internet protocol from the first

monitoring computer to a second computer that is connected to the network of the plurality of

image printing devices [Figures 10-12 | column 4 «lines 11-14»: transmitting the notification to

the client computer | column 5 «lines 45-59» : email or paging | *White*, column 9 «lines 14-20»:

monitoring information accessed using a browser by end users on the same network as the

printers];

wherein the first monitoring computer is remote from the plurality of image printing

devices, and the first monitoring computer is the first computer to obtain the first device

information from the plurality of image printing devices [Figure 3 «items 248, 250»].

As indicated in the foregoing mapping, *Fan* does not expressly disclose processing stored

information of the plurality of image printing devices to generate second device information that

includes status information of each of the plurality of image printing devices. However, this

feature was well known in the art at the time of Applicant's invention as evidenced by *White*.

It should first be noted that *Fan* does disclose generating device information from stored

information of single image printing device [column 5 «lines 45-59»] but does not indicate doing

so from a plurality of image printing devices. In the same field of invention, *White* is directed to

a system for monitoring resource usage in a network system. Specifically, *White* is directed at

solving the problem where data from printers "must be collected from each printer server or

printer individually and by hand, and the data from individual printers *must then be collated and*

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[1] The term "non-print-server" is ignored for the purpose of this rejection because the term is new matter, see § 112,

merged by hand to provide an overview of printer use in, for example, a department or corporation" [column 1 «lines 57-60»].

As cited in the foregoing claim mapping, *White* solves this problem by introducing a collection server which stores usage information from a plurality of image printing devices and subsequently generating device information that includes status information from each of the plurality of image printing devices. It would have been obvious to one of ordinary skill in the art to have modified *Fan*'s remote monitoring system to include the ability to collect and collate usage information from a plurality of printers as taught by *White*. Such a modification improves *Fan*'s system because it would allow the automatic collection and merging of printer status/usage information [*White*, column 1 «lines 56-60»].

As to claim 11, as it does not teach or further define over previously claimed limitations, it is similarly rejected for at least the same reasons set forth for claim 1.

Claims 3 and 23

As to claim 3, *Fan* discloses the first Internet protocol and the second Internet protocol are different Internet protocols [Figures 10-12 | column 4 «lines 4-8» where the second internet protocol take the form of http messages to the end user]. *Fan* does disclose that the device sends messages to the first computer [column 5 «lines 3-11»] but *Fan* does not expressly disclose the message comprises an Internet electronic mail message. Sending emails containing status information from a monitored device to a monitoring device is well known in the art. *Fan* describes a pushing based method of sending messages whereby the printer initiates the process of sending status information to a supervising computer [column 5 «lines 3-14»].

first paragraph rejection, *supra*.

It would have been obvious to one of ordinary skill in the art to have implemented email into *Fan* because email is a well known push-based messaging system. Email functionality has several benefits including the ability submit usage information when no response is required from the receiving party.

Claim 23 is rejected for the same reasons set forth for claim 3.

Claims 4 and 24

As to claim 4, *Fan* as modified by *White* discloses the transmitting step comprises:

formatting the second device information into a format suitable for display on a web page [*White*, column 9 «lines 14-20»: use of a browser to view the resource usage monitoring information implies that the monitoring information has been formatted for display on a web page]; and

receiving a request for transmission of the second device information to the second computer from the second computer [column 1 «lines 33-36»].

It would have been obvious to one of ordinary skill in the art to have modified *Fan* to include the feature of formatting the usage information for display on a web page as taught by *White*. Such a modification is a clear improvement to *Fan*'s system because it would allow users to remotely access the monitoring information using traditional browsers.

Claim 24 is rejected for at least the same reasons for claim 4.

Claim 6

Fan as modified by *White* discloses:

generating, by the first monitoring computer, the second device information to

include summary information regarding usage of plurality of image printing devices [column 4 «lines 20-29 and 51-59» | *White*, Fig. 1a «items 16»];

wherein the step of transmitting the second device information from the first monitoring computer comprises transmitting, by the first monitoring computer, the second device information that includes the information regarding usage of the device to the second computer [column 4 «lines 20-29 and 51-59»].

Claim 7

Fan discloses each of the plurality of image printing devices is one of a printer, a copier, a multifunction device, and a facsimile machine [Figure 3 «item 250» | *White*, Fig. 1a «items 16»].

Claims 21 and 25

As to claim 21, *Fan* as modified by *White* discloses a method of monitoring a plurality of monitored devices communicatively coupled to a local network, comprising:

periodically receiving at a monitoring site using a first internet protocol, first device information of the plurality of image printing devices by a service center computer that is remote from the plurality of image printing devices, wherein the first device information includes status information obtained from the plurality of image printing devices [column 5 «lines 1-26» : pulling based model];

storing the obtained first device information into a storage device [column 5 «lines 15-18»];

processing information in the storage device of the plurality of image printing devices monitored by the service center computer to generate a usage report for the plurality of image

printing devices that includes status information of each of the plurality of image printing

devices [column 4 «lines 49-62» : notifications on resource usage | column 5 «lines 45-59»

where the notification includes both the first device information collected from the printer as

well as stored information such as the email addresses of the administrator or end users who are

to receive the notification | *White*, column 2 «lines 63-67» | column 7 «lines 22-30» | column 8

«lines 40-60»: the resource collector within the collection server collects and collates printer

usage information]; and

transmitting the usage report, using a second Internet protocol, from the service center

computer to a second computer [column 4 «lines 49-62»]

As indicated in the foregoing mapping, *Fan* does not expressly disclose processing stored

information of the plurality of image printing devices to generate second device information that

includes status information of each of the plurality of image printing devices. However, this

feature was well known in the art at the time of Applicant's invention as evidenced by *White* for

the reasons discussed in the rejection of claim 1.

As to claim 25, as it does not teach or further define over previously claimed limitations,

it is similarly rejected for at least the same reasons set forth for claim 21.

Claim 22

Fan discloses transmitting the usage report from the service center computer to the

second computer as an e-mail message, wherein said email message is transmitted at an

application layer [column 4 «lines 59-62»].

Claims 29 and 30

They do not teach or further define over previously claimed limitations, they are similarly

rejected for at least the same reasons set forth for claims 1, 21, and 25.

II.   **CLAIMS 2 AND 5 ARE REJECTED UNDER 35 U.S.C. § 103(A) AS BEING UNPATENTABLE OVER *FAN* AND *WHITE*, IN FURTHER VIEW OF *SEKIZAWA*, U.S. PATENT NO. 6.430.711.**

All citations are to *Fan* unless otherwise noted.

Claim 2

Fan does not expressly disclose the first Internet protocol and the second Internet

protocol are a same Internet protocol. However, such a feature was well known in the art at the

time of Applicant's invention. In the same field of invention as *Fan*, *Sekizawa* discloses an

invention for obtaining status information indicating the state of network printers connected to a

network. However, *Sekizawa* improves *Fan*'s system by disclosing that the status information is

emailed from the printer to a first monitoring computer [*Sekizawa*, column 4 «lines 6-17» :

printer transmits status information to a mail server] and emailed from the first computer to a

second computer [*Sekizawa*, column 6 «lines 9-17» : retrieving the email from the first

computer]. This email functionality is an improvement over *Fan*'s system because "it is not

necessary to establish connection each time the status-information is exchanged" and therefore

the second computer "can smoothly get the status information" [*Sekizawa*, column 4 «lines 17-

21»].

Claim 5

As to claim 5, *Fan* discloses the second device information comprises an Internet

electronic mail message [column 4 «lines 59-62»]. *Fan* does not expressly disclose the message

comprises an Internet electronic mail message. However, as discussed with respect to claim 2,

Sekizawa does disclose utilizing email messages as a means for transmitting status information.
Sending emails containing status information from a monitored device to a monitoring device is
well known in the art. This email functionality is an improvement over *Fan*'s system because "it
is not necessary to establish connection each time the status-information is exchanged" and
therefore the second computer "can smoothly get the status information" [*Sekizawa*, column 4
«lines 17-21»].

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this
Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).
Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within TWO
MONTHS of the mailing date of this final action and the advisory action is not mailed until after
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,
however, will the statutory period for reply expire later than SIX MONTHS from the date of this
final action.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to DOHM CHANKONG whose telephone number is (571)272-
3942. The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee can be reached on 571.272.3964. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dohm Chankong/
Primary Examiner, Art Unit 2452